

**BRAFMAN & ASSOCIATES, P.C.**

ATTORNEYS AT LAW

767 THIRD AVENUE

26TH FLOOR

NEW YORK, NEW YORK 10017

TELEPHONE: (212) 750-7800

FACSIMILE: (212) 750-3906

E-MAIL: BBRAFMAN@BRAFLAW.COM

BENJAMIN BRAFMAN

MARK M. BAKER

OF COUNSEL

ANDREA ZELLAN

KAREN A. NEWIRTH

MARC AGNIFILO ADMITTED IN N.Y. AND N.J.

December 4, 2007

**BY FAX (212-805-6390) and ELECTRONIC FILING**

The Honorable William H. Pauley  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl Street; Room 2210  
New York, NY 10007

**RE: UNITED STATES V. ROBERT S. BARACZEK**  
**07 CR 442 (WHP)**

Dear Judge Pauley:

As you are aware, we represent the defendant, Robert Baraczek, in the above-captioned matter. On November 30, 2007, Mr. Baraczek was sentenced by Your Honor to a one year term of probation. The terms of Mr. Baraczek's probation contain certain standard provisions which we write to ask the Court to modify.

First, the terms of Mr. Baraczek's probation limit his travel to the district within which he lives (the Northern District of Illinois) unless he obtains permission from his probation officer. We respectfully request that the Court eliminate this condition from Mr. Baraczek's probation as domestic and international travel are both central to Mr. Baraczek's work. Moreover, at no time between Mr. Baraczek's indictment and sentence was any formal travel restriction imposed on him – during that period, we agreed to hold Mr. Baraczek's passport and see the permission of AUSA Naftalis for any international travel, which permission was always given.

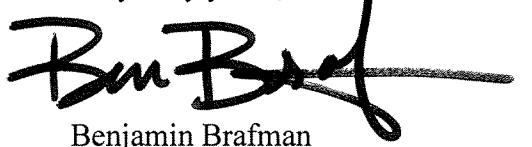
Second, the terms of Mr. Baraczek's probation require that Mr. Baraczek be subject to mandatory drug testing. We would likewise request that the Court eliminate this condition from Mr. Baraczek's probation as the crime to which Mr. Baraczek pled guilty did not involve illegal narcotics and there has never been any suggestion that Mr.

**BRAFMAN & ASSOCIATES, P.C.**

Baraczek has ever himself used illegal drugs.

We have spoken with the government about these modifications and the government consents to our requests. We thank the Court in advance for its attention in this matter. Should the Court have any questions or concerns, we stand ready to assist.

Very truly yours,



Benjamin Brafman

cc: Benjamin Naftalis, Esq. (via e-mail)  
Rick Collins, Esq. (via e-mail)